

East Central Railway

Office of the
General Manager (P)
Hajipur

Date 24.04.17.

No. ECR/IRW/ Union/ Strike
COM, CME & CEE
Divisional Railway Managers
East Central Railway
DHN, DNR, MGS, SEE & SPJ

Sub:- Notice of "Joint Action Committee" (JAC) of All India Loco Running Staff Association (AILRSA) and All India Guard Council (AIGC) (both unrecognized Railway Trade Unions) for 36 hours fast before Railway Board and Divisional Railway Manager's offices commencing w.e.f. 0800 hours on 25th April, 2017.

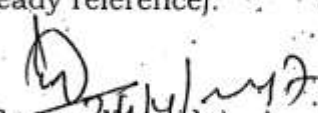
Ref:- 1. Railway Board's letter no. 2017/E(LR)II/6/3 dt 13.04.2017.
2. This office letter of even no dt 02.07.16

In reference to above, Railway Board has advised that the members of **JAC of AILRSA and AIGC** will sit on "**FAST**" before the Offices of the Railway Board and Divisional Railway Managers throughout the Zonal Railways for 36 hours commencing w.e.f 0800hrs. on 25th April, 2017 in support of their various demands.

In view of aforesaid, there should not be any room for complacency on the part of the Railway administrations and all necessary stringent steps must be taken to ensure discipline and smooth functioning of rail movement. It must be ensured that members of AILRSA and AIGC need to seek necessary permissions from the Competent Authority on their controlling officer / Supervisors to leave their headquarter.

In case these unrecognized Unions try to hamper Railway working and movement, please resort to provisions enumerated in Railway Board's letter No. 2016/E(LR)II/1/8 dated 01.07.16 which has already been issued to all vide this office letter of even no. dt 02.07.16 (Xerox copy enclosed for ready reference).

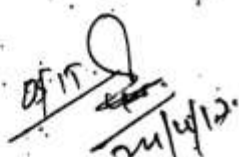
DA: As above.


(Suraya Narayan)
Dy.CPO/IR&W

For General Manager (P)

Copy to:

1. Ex. Director, Estt.(IRI/Railway Board/New Delhi for information in reference to his letter No. 2017/E(LR)II/6/3 dt 13.04.2017 as quoted above.
2. All Concerned.
3. APO/MPP please upload on Website of ECR.


For General Manager (P)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

New Delhi, dated: 13.04.2017

The General Managers,
All Zonal Railways.

Sub.: Notice of "Joint Action Committee" (JAC) of All India Loco Running Staff Association (AILRSA) and All India Guard Council (AIGC) (both unrecognized Railway Trade Unions) for 36 hours fast before Railway Board and Divisional Railway Manager's offices commencing w.e.f. 0800 hours on 25th April, 2017.

JAC of AILRSA and AIGC have advised that their members will sit on "FAST" before the Offices of the Railway Board and Divisional Railway Managers throughout the Zonal Railways for 36 hours commencing w.e.f. 0800 hrs. on 25th April, 2017 in support of their various demands.

2. In view of aforesaid, there should not be any room for complacency on the part of the Railway administrations and all necessary stringent steps must be taken to ensure discipline and smooth functioning of rail movement. It must be ensured that members of AILRSA and AIGC need to seek necessary permissions from the Competent Authority on their respective Railways to leave their headquarters.

3. Railway Administration should resort to provisions enumerated in Railway Board's letter No. 2016/E(LR)II/1/8 dated 01.07.2016 in case these unrecognized Unions try to hamper Railway working and movement.

(Alok Kumar)
Executive Director, Estt (IR)



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① Item on PWC from
ROR to 30th April
② Letter dt. 3/4/17
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East Central Railway

Office of the
General Manager (P)
Hajipur

Date 02.07.16

No. ECR/IR&w/Union/Strike

To

The All Concerned

**Sub:- Proposed Strike by Central Government Employees including
Railway Servants w.e.f. 06.00 hrs. of 11th July 2016.**

1. All the Railway Servants under your control should be advised about the following consequences of participating in a strike:-
 - (a) Railway servants are bound by conditions of service as laid down in 'Indian Railway's Establishment Code' Vol. I 1985 ed. (Statutory Rules). Rule 237 of the code stipulates that whole time of a Railway Servant is at the disposal of the Government which pays him. Therefore, if any Railway Servant willingly flouts this condition of service, then his services are liable to be terminated after following the due procedure.
 - (b) Attention of Railway Servants should be drawn to the Section 173 of the Railways Act, 1989 whereby it has been laid down that if a railway servant entrusted with any responsibility connected with running of train/rolling stock abandons his duty, then he is liable to be punished with imprisonment for a term extendable up to 2 years/fine/both.
 - (c) Attention of Railway Servants should also be drawn to the Section 174 of the Railways Act, 1989 whereby it has been laid down that if a railway servant obstructs/causes to obstruct any train/other rolling stock, then he is liable to be punished with imprisonment for a term extendable up to 2 years/fine/both.
 - (d) Attention of Railway Servants should also be drawn to the Section 175 of the Railways Act, 1989 whereby it has been laid down that if a railway servant endangers safety of any person by disobeying subsidiary rules or instructions, direction, orders under the Act/under subsidiary rules, or by his rash or negligent act/omission, then he is liable to be punished with imprisonment for a term extendable up to 2 years/fine/both.
 - (e) Their attention should also be drawn to the fact that in view of the statutory Conciliation Proceedings which are ongoing/being initiated by statutory authorities under the Industrial Disputes Act, 1947, holding of strike would be treated to be illegal under relevant sections of the Act and therefore, they would be faced with all the adverse consequences of participating in an illegal strike including dismissal from service.
 - (f) Their attention should also be drawn to Rule 3 (i), (ii), (iii), (v), (x), (xi), (xii), (xiii), (xviii); (xix) and (xxi) and Rule 3A of Railway Services (Conduct) Rules, 1966. Any violation of these stipulations would be treated to be misconduct making them liable to strict disciplinary action such as dismissal etc. under Railway Servants (Discipline & Appeal) Rules, 1968.

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- (g) Attention of Railway Servants holding Supervisory post should be drawn to Rule 3(2)(i) of Railway Services (conduct) Rules, 1966, whereby it is incumbent on them to take all possible steps to ensure devotion to duty of all Railway Servants under their control and authority. Hence any failure, in this regard, on the part of the Railway Supervisors would attract strict disciplinary action under Railway Servants (Discipline & Appeal) Rules, 1968.
- (h) Attention of Railway servants should also be drawn to Rule 7 of Railway Services (Conduct Rules), 1966 whereby it is incumbent of railway servant not to engage himself or participate in any demonstration which is prejudicial to public order or which involves incitement of any offence. Moreover, as per Railway Board's decision no. (5) below this Rule, the principle of "No work no Pay" would not be circumvented in any way for the period of absence due to participation in a strike.
- (i) Railway Servants' attention should also be drawn to the fact that once they take part of participate in illegal strike, apart from application of the principle of "No Work No Pay" it would also lead to 'break in service', effectively meaning that for pensionary and other benefits their past services would not be counted in accordance with instructions.
- (j) Their attention should also be drawn to Rule 9 of the Railway Services (Conduct) Rules, 1966 whereby it is incumbent on them that they should not indulge in adverse criticism of any current or recent policy or action by the Central Government etc.
- (k) Railway Servants should also be made aware that under Section 2.(1) (a) (ii) of the Essential Services Maintenance Act, 1981 (having over-riding effect on Industrial Disputes Act, 1947), Railway service is an essential service and any person who participates in illegal strike or incites other persons to take part in a strike would be liable to disciplinary action including dismissal apart from punishment of imprisonment/fine or both, in case the Act is invoked. Attention of Railway Servants should also be attracted towards the fact the under this Act, offences are to be tried summarily so that they may face swift and sure penal action under this Act. Since this Act overrides Industrial Disputes Act 1947, therefore, Railway Servants, participating in a illegal strike, cannot take shelter under Industrial Disputes Act.

Kindly read the entire Strike Scheme 2008 and take action accordingly.
Please acknowledge receipt and send regular development to the office of the GM (P)/Hajipur so that action taken in this regard can be appraised to Railway Board.


(Sushant Jha)
Chief Personnel Officer

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Copy to:

1. Exe. Directo Estt./IR, Railway Board, NDLS- for information in reference to his letter no. 2016/E(LR)/II/1/8 Dated : 1.7.2016
2. All HQ/PB Officers and all Ch OS/HQ/PB

MOST URGENT
For Immediate Attention

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2016/E(LR)/1/78

Dated: 1.7.2016

The General Managers
All Zonal Railways, PUs, Metro Railway/Kolkata, RDSO/Lucknow

Sub: Proposed Strike by Central Government Employees including
Railway Servants w.e.f. 06.00 hrs. of 1st July, 2016.

Ref: (i) Board IMS's D.O. No. 2016/E(LR)/1/7 dated 15.6.2016
(ii) Board's letter No. 2016/E(LR)/1/78 dated 27.06.2016

With reference to above, following steps should be taken
immediately:

1. All the Railway Servants under your control should be advised about
the following consequences of participating in a strike:

(a) Railway servants are bound by conditions of service as laid
down in Indian Railways Establishment Code Vol. I 1983 ed.
(Statutory Rules). Rule 237 of the code stipulates that whole
time of a Railway Servant is at the disposal of the
Government which pays him. Therefore, if any Railway
Servant willingly flouts this condition of service, then his
services are liable to be terminated after following the due
procedure.

(b) Attention of Railway Servants should be drawn to the Section
173 of the Railways Act, 1989 whereby it has been laid down
that if a railway servant entrusted with any responsibility
connected with running of train/rolling stock abandons his
duty, then he is liable to be punished with imprisonment for
a term extendable up to 2 years/fine/both.

(c) Attention of Railway Servants should also be drawn to the
Section 174 of the Railways Act, 1989 whereby it has been
laid down that if a railway servant obstructs/causes to
obstruct any train/other rolling stock, then he is liable to be

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1. Attention of Railway Servants should also be drawn to the Section 113 of the Railway Act, 1909, whereby it has been laid down that if a railway servant endangering safety of the railway by disobeying subsidiary rules or committing offence under the Act under subsidiary rules or by his rash or negligent act omission, then he is liable to be punished with imprisonment for a term extending up to one year or both.

10 Their attention should also be drawn to the fact that in view of the Statutory Conciliation Proceedings which are ongoing being initiated by statutory authorities under the Industrial Disputes Act 1947, holding of strike would be treated to be illegal under relevant sections of the Act and therefore, they would be faced with all the adverse consequences of participating in an illegal strike including dismissal from service.

2. Their application should also be drawn to Rule III (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z) and Rule IV of Railway Services (Conduct) Rules, 1960. Any violation of these stipulations would be treated to be misconduct making them liable to strict disciplinary action such as dismissal etc. under Railway Services (Discipline & Appeal) Rules, 1963.

Attention of Railway Servants holding Supervisory post should be drawn to Rule 3(2)(b) of Railway Services (Conduct) Rules, 1966, whereby it is incumbent on them to take all possible steps to ensure devotion to duty of all Railway Servants under their control and authority. Hence any failure in this regard on the part of the Railway Supervisors would attract strict disciplinary action under Railway Servants (Discipline & Appeal) Rules, 1968.

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or

in A mention of Railway servants should also be drawn to Rule 7 of Railway Servants (Conduct Rules), 1906 whereby it is incumbent on railway servant not to engage himself to participate in any demonstration which is prejudicial to public order or which involves incitement of any other. Moreover, as per Railway Board's decision no. 1911-12-44 Rule, the principle of "No work no Pay" would not be circumvented in any way for the period of absence due to participation in a strike.

Attention of Railway Servants should also be drawn to the Section 173 of the Railway Act, 1989, whereby it has been laid down that if a railway servant endangers safety of any person by disobeying subsidiary rules or instructions, direction, orders under the Act/under subsidiary rules, or by his rash or negligent act/omission, then he is liable to be punished with imprisonment for a term extendable up to 3 years/fine/both.

(c) Their attention should also be drawn to the fact that in view of the statutory Conciliation Proceedings which are ongoing/being initiated by statutory authorities under the Industrial Disputes Act 1947, holding of strike would be treated to be illegal under relevant sections of the Act and therefore, they would be faced with all the adverse consequences of participating in an illegal strike including dismissal from service.

(d) Their attention should also be drawn to Rule 3(1) (ii), (iii), (vi), (vii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii) and Rule 3A of Railway Services (Conduct) Rules, 1966. Any violation of these stipulations would be treated to be misconduct making them liable to strict disciplinary action such as dismissal etc under Railway Servants (Discipline & Appeal) Rules, 1968.

(e) Attention of Railway Servants holding Supervisory post should be drawn to Rule 3(2)(i) of Railway Services (Conduct) Rules, 1966, whereby it is incumbent on them to take all possible steps to ensure devotion to duty of all Railway Servants under their control and authority. Hence any failure, in this regard, on the part of the Railway Supervisors, would attract strict disciplinary action under Railway Servants (Discipline & Appeal) Rules, 1968.

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(f) Attention of Railway servants should also be drawn to Rule 3(1)(viii) of Railway Services (Conduct) Rules, 1966 whereby it is incumbent of railway servant not to engage himself or participate in any demonstration which is prejudicial to public order or which involves incitement of any offence. Moreover, as per Railway Board's decision no (5) below the Rule, the principle of "No work no Pay" would not be circumvented in any way for the period of absence due to participation in a strike.

7/11/08